

From: Chip Scheide
To: Microsoft ATR
Date: 11/26/01 12:24pm
Subject: DOJ settlement with MS - DO NOT ACCEPT IT

To whom it may concern,

Follows is a summary of my position in regards to the proposed DOJ/MS settlement:

I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power.

Why? because the DOJ and MS came to a similar agreements in the previous anti-trust case, and here we are again. MS has shown that it can not be trusted (period). It has broken the original agreement between the DOJ and itself. MS intentionally tried to present "forged" evidence at trial, and continues to advance it's predatory practices into new and as yet uncharted areas.

For two small examples:

One, the case that started it all: internet browsers. Since the time the case started, Microsoft bundled their browser for free, and essentially drove all other browsers out of the market. They claim they have a right to do this, and that they are only serving consumer needs.

But their most recent versions -- including ALL browsers shipped with the new Windows XP -- have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality.

This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime -- just to name a few of the larger players -- no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software -- Active X -- that Microsoft's own content provisioning software does not go through.

This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's

own content provisioning software.

This also means that some 90% of new computers sold cannot properly access any site containing content created in any of the above applications. Limiting consumer choice, both in sites that function with their browser, and software used to create content.

Two, Windows Media Player and audio (MP3s): In the newest operating system (Windows XP), Microsoft has used the Active X software layer to EXPLICITLY cripple third party MP3 players/recorders. They do this by limiting the quality of MP3 recording and playback. The only software, on Windows XP, that will record the best possible sound, or play back the best possible music is Windows Media Player.

Windows Media Player is installed as part of the Windows XP operating system installation. So here we are again, Microsoft is "bundling" software with it's operating system, squeezing third party software vendors out of the market.

How can a Third party software vendor compete? Better software? - sure - but the vendor needs to pay the bills and how do they do that, when the product needs to be given away to match the price of its competition. Better Software? - sure - but how does a vendor create that when the operating system on which the software is to run INTENTIONALLY disables access to functionality?

Again the consumer is put at a severe disadvantage - the only choice of software is Microsoft. Additionally - it has recently been found that Windows Media Player - like most other Microsoft software products - has a severe security problem. There is a security hole in Windows Media Player, which can allow arbitrary, malicious code to be executed - in other words a virus.

So.. now consumers are forced to choose - best possible sound and risk a software virus destroying their software, or security and poor quality sound.

All of the above and much more, has been done right under your collective noses while the DOJ negotiated a cushy "hand slap" settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their browser monopoly into the content provider marketplace! They have broken the law once, and while being penalized, have broken it again.

Take heed of my prediction: now that Microsoft controls content provisioning, content will come next. Within three years, the average consumer with an "out of the box" computer will be unable to view any content that Microsoft has not provided.

With all due respect, the Ashcroft Justice Department is asleep at the wheel on this one. Quit meddling with "states' rights" Oregon and California, and concentrate on appropriately punishing large, multi-national companies who are already convicted of breaking laws.

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Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves."
-- William Pitt, 1783